

SHD Paraphrased Regulations - Food Stamps 210 - 219 Responsibilities

210-1

The head of the household, spouse or any other responsible member of the household may designate an Authorized Representative (AR) to act on behalf of the household. The AR shall have authority to make the FS application, obtain FS benefits, and use such benefits on behalf of the household. (§63-402.61)

210-3

State regulations require the counties to make certain regulations, laws, and other policy material available to the public. The counties must do the following:

.1 One set of the regulations and handbook materials (including All-County Letters) of the Department of Social Services, the Welfare and Institutions Code (W&IC), the Health and Safety Code, and other laws relating to any form of public social service must be made available to the public during regular office hours in each central or district county office administering public social services and in each local or regional office of the department. (W&IC §10608)

.2 These references shall be placed in the waiting or reception room or in a location available and convenient for public use.

.3 A sign shall be prominently posted in each waiting/room or reception room in appropriate languages as follows:

"Rules and regulations of the State Department of Social Services are available for your use. Please ask for the materials or manuals you wish to see."

.4 A signout book should be used to prevent loss of regulations or other materials for public use. The maintenance of the reference materials in a current and usable condition is a condition of compliance with the statute.

(Handbook §17-017)

210-4

Federal regulations detail specific responsibilities of State agencies in terms of the FS application form. The State must ensure that the following is provided to the applicant in "prominent and boldface lettering and understandable terms":

(1) A statement that the information provided by the applicant in connection with the FS application will be subject to verification by Federal, State, and local officials to determine if such information is factual; that FS benefits may be denied if the information is incorrect; and that the applicant may be subject to criminal prosecution for knowingly providing incorrect information.

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(2) A description of the civil and criminal provisions and penalties for violations of the FS Act.

(7 Code of Federal Regulations (CFR) §273.2(b)(i) and (ii))

In addition, certain information must be provided in "plain and prominent language on or near the front page of the application":

(5) Notice of the household's right to immediately file the application as long as it contains the applicant's name and address and the signature of a responsible household member or the household's authorized representative.

(6) A description of the provisions regarding expedited service.

(7) Notice that benefits are provided from the date of application.

(7 CFR §273.2(b)(v), (vi), (vii))

210-5

There are two separate retention requirements for Food Stamp Program records. First, all program records are to be retained for a period of three years from the month of origin. Second, all fiscal records and accountable documents are to be retained for three years from the date of fiscal or administrative closure. This means that records such as, but not limited to transaction receipts, master issuance files, records-for-issuance for each month, authorization documents, cashier's daily reports, Notices of Change, Form FNS-250s (Food Coupon Accountability Report), Household Issuance Record cards, and tally sheets shall be retained for three years. However, any documents or records which are involved in any billing or claim shall be retained for three years from the date of fiscal or administrative closure. Also, any records or documents that are involved in a fiscal audit or investigation must be retained for three years from the date the audit or investigation is closed.

Some records require retention periods of more than three years. These include:

1. Food Stamp (FS) program case records that are a part of an assistance case record must be retained in accordance with §23-350.
2. Records and their supporting documents for which there is an open Federal or State audit must be retained.
3. Case records in which criminal or civil litigation was involved are to be retained for three years after the final claim is submitted for federal reimbursement. Records which must be retained include those documents which

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were used in the determination of eligibility (including denials) and those used to determine the amount paid as retroactive benefits. Other documents in the case record must be retained in accordance with the requirements for public assistance records specified elsewhere in this letter.

4. While not required by regulation, it is desirable that those FS program case records and their supporting documents, which have been identified by CDSS as federal sample quality control cases containing an error, should be retained until the federal sanction process is resolved for the applicable Federal fiscal year.

(All-County Letter No. 02-12, March 8, 2002)

211-1 ADDED 4/04

The application process includes filing and completing an application, being interviewed, and having certain information verified. The CWD shall act promptly on all applications and provide food stamp benefits retroactive to the month of application to those households that have completed the application process and have been determined eligible. All applications for Food Stamp Program eligibility shall be made on the DFA 285-A1, DFA 285-A2, and DFA 285-A3. For households which apply for both AFDC (now CalWORKs) and Food Stamps at the same time, the SAWS1 CA1/DFA 285-A1, and BC JA 2 CA2/DFA 285-A2, and SAWS 2A CA2/DFA 285-A2/MC 210 shall be used. These forms also may be used for Food Stamp only cases. (§§63-300.1 and .2)

211-1A

Prior to March 1, 2002 the county could not deny the application if the household failed to appear for two scheduled interviews and made no subsequent contact with the county to express interest in pursuing the application. But the county was to reopen the case without requiring a new application if the applicant made an office visit within the 30-day application processing period. (§63-301.3, revised March 1, 2002)

211-1B

If the household has failed to appear for one scheduled interview, and has made no subsequent contact with the county to indicate an interest in pursuing the application, the county shall send a Notice of Missed Interview (NOMI) as soon as possible. If the household requests another interview within 30 days of the application date, the county shall reschedule the interview. If at that second interview the household is determined eligible, the beginning date of aid is the date of application. (§63-301.32, and 63-300.451 through .453, as revised effective March 1, 2002)

211-1C

Prior to March 1, 2002, the following rules dealt with scheduling Initial Application Interviews:

"The County Welfare Department (CWD) shall schedule all interviews as promptly as possible to ensure eligible households receive an opportunity to participate within 30 days after the application is filed. If a household misses its scheduled interview, the CWD shall send the household a Notice of Missed Interview. The CWD shall reschedule if the household requests another interview within 30 days of the initial application filed."

(§63-300.45, revised effective June 1, 2001, and revised again March 1, 2002)

211-1D

The rules scheduling initial application interviews are as follows:

The special circumstances of the household, including households with working members, must be considered to the extent practicable, when interviews are scheduled.

"The County Welfare Department (CWD) shall schedule all interviews as promptly as possible to ensure eligible households receive an opportunity to participate within 30 days after the application is filed. If a household misses its scheduled interview, the CWD shall send the household a Notice of Missed Interview. The CWD shall reschedule if the household requests another interview within 30 days of the initial application filed."

(§63-300.45, effective March 1, 2002)

211-1E

When scheduling recertification interviews, the county shall do the following:

(a) As part of the recertification process, the county must conduct a face-to-face interview with a member of the household or its authorized representative at least once every 12 months for households certified for 12 months or less. The requirement for a face-to-face interview once every 12 months may be waived in accordance with §§63-300.42 and .43.

(b) If a household receives PA/GA and will be recertified for food stamps more than once in a 12-month period, the county may choose to conduct an in-office face-to-face interview with that household only once during that period. At any other recertification during that year period, the county may interview the household by telephone, conduct a home visit, or recertify the household by mail.

(c) Counties shall schedule interviews so that the household has at least 10 days after the interview in which to provide verification before the certification period expires.

(§63-300.454, as renumbered and revised effective March 1, 2002)

211-2

If a household refuses to cooperate with the county in the application process, the application shall be denied at the time of the refusal. The household shall also be determined ineligible if it refuses to cooperate in any subsequent review of eligibility, including reviews generated by reported changes, recertifications, or as part of any Quality Control review. Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until it cooperates. For a determination that household refusal has occurred, the household must have been able to cooperate, and clearly demonstrated that it chose not to take required actions. (§63-505.1)

211-3

The household may voluntarily withdraw an application at any time prior to the determination of eligibility. The county shall document in the case file the reason for withdrawal, if any was stated by the household, and that contact was made to confirm the withdrawal. The household shall be advised of the right to reapply. (§63-300.36)

211-4

All applicant households, including those submitting applications by mail, shall have a face-to-face interview with an Eligibility Worker prior to the initial certification and at all recertifications, except when waived. (§63-300.4)

211-5

The office interview requirement shall be waived on a case-by-case basis for any household which is unable to appoint an Authorized Representative and which has no household members able to come to the interview because of hardships which the county determines warrants a waiver of the interview. These hardships include illness, care of a household member, prolonged severe weather, conflicting work hours, or transportation difficulties. (§63-300.43, as revised effective March 1, 2002)

211-7

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The county shall not deny FS to a household based on a failure to cooperate when the person who fails to cooperate is outside of the household. (§63-301.31, effective December 1, 1996)

Excluded household members, as defined in §63-402.22, shall not be considered outside of the household for purposes of the above. (§63-301.311, effective December 1, 1996)

211-8

The FS program requires fingerprint/photo imaging of each eligible adult household member prior to the issuance of food stamps. A minor applying as a separate household must also comply with these requirements. When the household has an authorized representative (AR) and none of the adults in the household is required or able to comply with the imaging requirements, the AR must comply with those requirements. (§§63-601.12 and .14; All-County Letter No. 00-32, May 11, 2000, Question 1)

211-8A ADDED 4/04

The CWD shall determine on a case-by-case basis when a household member will receive a postponement from the SFIS process. The conditions for a postponement include but are not limited to temporary medical conditions, drug or alcohol treatment, or a household that is entitled to expedited services and the county is not able to complete the SFIS process in time for the household to participate. (63-601.13)

211-9

Counties must systematically inform clients of the Statewide Fingerprint Imaging System (SFIS) requirements. During the period when forms (such as the SAWS-2A, DFA 285.A3, and FS 8) are being revised, counties should provide the form TEMP 2173 to both CalWORKs and Food Stamp applicants or recipients. (All-County Letter No. 00-32, May 11, 2000, Questions 8 and 9)

211-10

Households must file FS applications by submitting the forms to the FS office either in person or through an authorized representative, or by mail, fax, electronic transmissions, or on-line. Applications signed through the use of electronic signature techniques or applications containing a handwritten signature and then faxed or transmitted electronically are acceptable. The length of time to deliver benefits is calculated from the date the application is filed with the county welfare department. (§63-300.3, as revised effective June 1, 2001)

211-10A ADDED 4/04

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Each household shall be advised of their right to file an application, either paper or electronic, on the same day it contacts the food stamp office during office hours. The household shall be advised that it does not have to be interviewed before filing the application and may file an incomplete application form as long as the form contains the applicant's name and address, and is signed by a responsible member of the household or the household's authorized representative. (§§63-300.31 and .32)

211-11

If the household's certification cannot be completed by the end of its current certification period due to the 10-day time period allowed for submitting verification, the CWD shall provide benefits within five working days after the verification is received. Benefits shall not be prorated from the date verification is received; the household shall receive a full month of benefits. (§63-300.5(b), as renumbered effective February 21, 2002)

212-1

The household has the primary responsibility for providing documentary evidence to support its income statements and to resolve any questionable information. The county is required to assist the claimant in the verification process when the household has problems in obtaining the verification, or shall use a collateral contact or conduct a home visit. (§63-300.5(i), as renumbered effective February 21, 2002)

212-2

The county shall verify the following information prior to certification for FS households initially applying:

- (1) Gross nonexempt income.
- (2) Eligible alien status.
- (3) Identity of person making the application, head of household and Authorized Representative, if any.
- (4) Social Security numbers.
- (5) The residency requirements of §63-401 unless the household is categorically eligible for FS benefits.
- (6) Utility expenses if the household wishes to claim its actual utility expense in excess of the SUA and the expense would actually result in a deduction..

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- (7) The amount of medical expenses deductible under §63-502.33.
- (8) The factors of eligibility for sponsored aliens which are specified in §63-503.49 unless the household is categorically eligible for FS benefits.
- (9) Disability as defined in §63-102e.(1).
- (10) Child support payments and actual payments.

(§63-300.5(e), revised effective January 1, 2000 to eliminate requirement to verify shelter costs, and all claimed utility expenses, and renumbered effective February 21, 2002)

212-3

The county may elect on a countywide basis to mandate verification of the following information:

- (1) Dependent care costs for households not subject to the monthly reporting requirements.
- (2) Liquid resources and loans.
- (3) Household size.
- (4) Shelter costs.

(§63-300.5(f), as revised and renumbered effective February 21, 2002)

212-4

With the exception of dependent care costs, liquid resources and loans, and household size, which the county has opted to verify, the county shall verify the factors of eligibility only if they are questionable. To be considered questionable, the information on the application must be inconsistent with statements made by the applicant, inconsistent with other information on the application or previous applications, or inconsistent with information received by the county. (§63-300.5(g), as revised and renumbered effective February 21, 2002)

212-5

Home visits may be used as verification when sufficient documentary evidence cannot be obtained to make a determination of eligibility or benefit level and the visit is scheduled in advance with the FS household. (§63-300.5(h)(3), as renumbered effective February 21, 2002)

212-6

When verifying whether income is exempt as a loan, a legally binding agreement is not required. A simple statement signed by both parties which indicates that the payment is a loan and must be repaid shall be sufficient verification. However, if the FS household receives payments on a recurrent or regular basis from the same source but claims the payments are loans, the county may also require that the provider of the loan sign an affidavit which states that repayments are being made or that payments will be made in accordance with an established repayment schedule. (§63-300.5(f)(2), as renumbered effective February 21, 2002)

212-7

Collateral contacts are a source of verification in determining FS eligibility. A collateral contact is a verbal confirmation of a household's circumstances by a person outside the household. The collateral contact may be made either in person or over the telephone. The acceptability of a collateral contact shall not be restricted to a particular individual but may be anyone who can be expected to provide an accurate third-party verification of the household's statements. (§63-300.5(h)(2), as renumbered effective February 21, 2002)

212-8

When obtaining verification of a deductible expense may delay a FS household's certification beyond the normal processing time frame, the county shall advise the household that its eligibility and benefit level may be determined without providing a deduction for the claimed, but unverified expense. (§63-300.5(c), as renumbered effective February 21, 2002)

212-9

The county may elect to verify shelter costs, other than utilities, at application. The county may also elect to verify any shelter costs when there is a change in the certification period, or at recertification. (§63-300.5(f)(4), as revised and renumbered effective February 21, 2002)

212-10

Verification of utility expenses is required if actual utility costs are claimed. (§63-300.5(e)(6)) Verification on the CA 7 of actual utility costs was required only when first allowed, if a change in amount was reported, or when there was a move. If the Standard Utility Allowance (SUA) is claimed, the CA 7 shall provide verification when the SUA is first allowed and when the household moves. Effective January 1, 2000, verification became discretionary with the county. (§63-504.341)

212-11

Gross nonexempt income shall be verified for all FS households prior to certification. Where all attempts to verify the income have been unsuccessful because the person or organization providing the income has failed to cooperate with the household and the county and all other sources of verification are unavailable, the eligibility worker shall determine an amount to be used for certification purposes based on the best available information, which may include an applicant's affidavit. (§63-300.5(e)(1), as renumbered effective February 21, 2002)

213-1

The county shall complete the application process and approve or deny a timely application for recertification of FS benefits prior to the end of the household's current certification period and shall provide an eligible household with an opportunity to participate by the household's normal issuance cycle in the month following the expiration of the household's certification period. The county shall not continue benefits beyond the end of the recertification period unless the household has been recertified. (§63-504.611)

213-2

The county shall schedule all interviews as promptly as possible to ensure eligible households receive an opportunity to participate within 30 days after the application is filed. If a household fails to appear for the first interview, the county shall attempt to schedule another interview. (§63-300.45) Counties have the option of either initiating the rescheduling of the second interview, or providing written notification to the household of the need to request another appointment by the thirtieth day. (All-County Information Notice (ACIN) No. I-87-90, November 13, 1990)

213-3

Whenever a delay in the initial 30-day period is the fault of the county, the county shall take immediate corrective action. The county shall not deny the application, but shall instead continue to process the application and notify the household by the thirtieth day following the application date that its application is being held pending. The county shall also notify the household of any action it must take to complete the application process. (§63-301.431)

If the household is found to be eligible during the second 30-day period, the household shall be entitled to benefits retroactive to the date of application. If the household is found to be ineligible, the application shall be denied. (§63-301.432)

213-4

If, by the thirtieth day of the application processing period, the county cannot take further action on the application due to the fault of the household, the household shall lose its entitlement to benefits for the month of application. The county has the option of sending a notice of denial or a notice of pending status on the thirtieth day. If the household is determined eligible during the second 30-day processing period, the county shall provide benefits only from the first of the month following the month of application. (§63-301.42)

213-5

When the county has conducted an interview and requested all necessary verification on the same day the application was filed, the application may be denied on the thirtieth day if the household failed to provide the requested verification, and the county provided assistance to the household in obtaining required verification as specified in §63-300.5. When such denials occur, the household must file a new application. (§63-301.3)

213-6

The county shall not deny FS to a household based on a failure to cooperate when the person who fails to cooperate is outside of the household. (§63-301.31, effective December 1, 1996)

Excluded household members, as defined in §63-402.22, shall not be considered outside of the household for purposes of the above. (§63-301.311, effective December 1, 1996)

213-7

If there is a reported change in household circumstances on the CA 7 (except for the addition of a new household member) and this results in an increase or decrease in benefits to the household, the county shall make the change effective the next issuance month and notify the household of the change, in accord with §63-504.26. (§63-504.352)

213-8

If a prospectively budgeted household's benefits decrease or the household becomes ineligible as a result of the change in circumstances, the county shall issue a timely notice of adverse action within 10 days of the date the change was reported. The decrease in benefits shall be made effective not later than the issuance date for the month following the month in which the timely notice period expires, provided a state hearing and continuation of benefits have not been requested. (§63-504.423)

213-9

The county is required to provide aid pending at the previously authorized level upon the filing of a timely hearing request if the household's certification period has not expired. (§63-804.611) The household may establish good cause for failing to file timely in which case aid pending shall be initiated. (§63-804.613)

213-10

Aid pending is to be terminated if the certification period has expired. (§63-804.642)

213-11

When a pended application is approved, the notice shall be sent as soon as the determination is made but no later than the date the household receives its first allotment for the certification period. (§63-504.22)

213-12

The 9th Circuit Court of Appeals has determined that when a County Welfare Department is closed on a normal working day, it cannot frustrate the individual's right to file an application on such working day. The Court of Appeals remanded the matter to the Federal District Court to fashion an order which would cure this problem in the AFDC, FS, and Medi-Cal programs by having:

(1) The county offices receive applications during conventional office hours;
or

(2) The county offices provide that if they are closed during such hours any application made on the next day they are open filed as if the application had been filed during the hours they were closed.

Since the second solution could not provide AFDC to a family in an emergency situation, the welfare office, if closed on a normal working day, must have a telephone available to review emergency calls and act upon them as if the calls were made on a regular working day. (Blanco v. Anderson and Belshé (1994) 39 F. 3d 969)

213-12A

After a remand from the Ninth Circuit Court of Appeal, the United States District Court, E.D. Cal, issued its mandate in Blanco v. Anderson, No. CIV-S-93-859 WBS JFM, December 20, 1994.

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That Order dealt with those counties which are closed during normal working days, defined by the Order as eight-hour days, Mondays through Fridays, "excluding federal and state holidays". (Per All-County Letter (ACL) No. 95-08, February 16, 1995, all counties were to document current days and hours of operation by March 3, 1995.)

When a county was part of this class, it was required to:

1. Accept and act on all request for emergency AFDC, FS, and Medi-Cal benefits (including acting on such requests within federal and state time limits) by maintaining sufficient staff in the office, or through local telephone service, to act on these requests; and/or
2. Make applications for AFDC, FS, and Medi-Cal benefits readily available by providing a drop-box, mail slot, or other reasonable filing method, and deem such applications as filed on the working day prior to the day the office was closed.

Such counties must also prominently post notices at the welfare offices explaining the procedures they are following, and inform telephone callers to the office of such procedures.

Any alternative method of complying with the Order must meet the intent of the Order and be reported to CDSS and/or CDHS. (All-County Letter (ACL) No. 94-108, December 15, 1994)

213-12B

When the welfare department is closed during the regular eight hours of a "working day", as defined in §§11-601.214 and .215, and an application for FS benefits is deposited in a drop box, mail slot, or other reasonable accommodation, as defined in §11-601.311(b), the application date shall be the deposit date. (§63-300.81)

When the welfare department is closed, as described above, and an application requests emerging benefits by phone in accord with §11-601.313, the application date is the date the call is received. (§63-300.82)

214-1

Applicant or recipient households shall provide the county with a Social Security Number (SSN) of each household member or verification of an application for such a number. The failure without good cause to provide this verification results in disqualification of the household member whose SSN is not obtained. Once an application for an SSN has been filed, the individual shall be permitted to participate in the FS Program pending notification of the county of the verified

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SSN. In determining if good cause existed for failure to comply with the SSN requirement, the county shall consider information provided by the household member and the Social Security Administration (SSA). Documentary evidence or collateral information that the household member has applied for the number or made every effort to supply SSA with the necessary information to complete an SSN application shall be considered good cause for not complying timely with this requirement. Good cause does not include delays due to illness, lack of transportation or temporary absences. (§63-404)

214-2

For all households applying or being recertified for FS benefits, the following applies:

.231 The collection of information, including the Social Security Number (SSN) of each household member, is authorized under the FS Act of 1997. This information will be used to determine eligibility for participation in the FS program. The information will be verified through a computer matching program and will also be used to monitor compliance with program regulations and for program management.

.232 The information may be disclosed to other federal and state agencies for official examination, and to law enforcement officials who are seeking to apprehend persons fleeing to avoid the law.

.233 If a claim is made against a household, the information on the application, including all SSNs, may be referred to federal and state agencies, and to private claims collection agencies for claims collection action.

.234 Providing the requested information, including SSNs of each household member, is voluntary. However, failure to provide this information will result in denial of FS benefits to each individual failing to provide an SSN.

(§63-300.23, effective August 10, 2001)

214-6

The FS program requires fingerprint/photo imaging of each eligible adult household member prior to the issuance of food stamps. A minor applying as a separate household must also comply with these requirements. When the household has an authorized representative (AR) and none of the adults in the household is required or able to comply with the imaging requirements, the AR must comply with those requirements. (§§63-601.12 and .14; All-County Letter No. 00-32, May 11, 2000, Question 1)

214-6A ADDED 4/04

The CWD shall determine on a case-by-case basis when a household member will receive a postponement from the SFIS process. The conditions for a postponement include but are not limited to temporary medical conditions, drug or alcohol treatment, or a household that is entitled to expedited services and the county is not able to complete the SFIS process in time for the household to participate. (63-601.13)

214-7

Counties must systematically inform clients of the Statewide Fingerprint Imaging System (SFIS) requirements. During the period when forms (such as the SAWS-2A, DFA 285.A3, and FS 8) are being revised, counties should provide the form TEMP 2173 to both CalWORKs and Food Stamp applicants or recipients. (All-County Letter No. 00-32, May 11, 2000, Questions 8 and 9)

214-8

On August 10, 2001 the Sacramento County Superior Court issued a Judgment and Writ of Mandate. That Order provided, in pertinent part, as follows:

"1. A writ of mandate shall issue commanding respondents and each of them and their agents, servants, employees, and representatives, and all persons acting in concert or participating with them:

"a. To refrain from denying or terminating benefits for the entire case of an applicant or recipient of CalWORKs and/or Food Stamps for a failure to comply with the Statewide Fingerprint Imaging System (SFIS) requirements as opposed to a refusal to comply with these requirements.

"b. To refrain from requiring compliance with the SFIS requirements by parents and caretaker relatives who are not themselves recipients of but were applicants on or before July 21, 1996, for AFDC (Aid to Families with Dependent Children, now CalWORKs) and/or Food Stamp benefits for children with continuing eligibility who are currently receiving benefits.

"c. To refrain from requiring that parents and caretaker relatives who are not applying for or receiving either CalWORKs benefits and/or Food Stamps for themselves be finger imaged and photo imaged as a condition of eligibility for benefits for other members of the family when another parent or caretaker relative in the family is applying for or receiving CalWORKs benefits and/or Food Stamps for themselves and has been finger imaged and photo imaged."

The Order also required the CDSS to issue written instructions to counties with 60 calendar days of the date of service of notice of entry of judgment of the writ, and to submit regulations to the Office of Administrative Law to conform with the

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judgment and the writ of mandate. [The CDSS appealed the judgment on August 17, 2001 and the petitioners cross appealed on September 5, 2001. It is the position of the CDSS that the portions of the Order adverse to it have been stayed on appeal, and remain stayed as of December 1, 2002.]

(All-County Information Notice No. I-69-01, August 17, 2001; Sheyko v. Saenz, Case No. 00C501130, Sacramento County Superior Court, August 10, 2001)

215-1

The following households, if otherwise eligible, are entitled to expedited service:

.511 Households with less than \$150 in monthly gross income, provided their liquid resources do not exceed \$100.

.512 Migrant or seasonal farmworker households who are destitute, provided their liquid resources do not exceed \$100.

.513 Households whose combined monthly gross income and liquid resources are less than the household's monthly rent or mortgage, and utilities.

(§63-301.51, as revised November 12, 1996)

215-2

The county shall orally inform potential applicants, including those who inquire about the FS Program by telephone, of the right to expedited service for eligible households. The information provided shall include how to initiate the process, and the availability of assistance in filling out the application. Upon request, the county shall assist the applicant in filling out forms and in completing the application process. (§63-301.52)

215-3

For households entitled to expedited service at initial application, the county shall make the authorization document, access device or coupons available, either by mail or for pickup at the household's request, no later than the third calendar day after the application was filed. For purposes of this section, a weekend (Saturday and Sunday) shall be considered one calendar day. If the third calendar day is a nonworking day when coupons cannot be issued, the coupons shall be made available the working day immediately preceding the nonworking day. (§63-301.531)

215-4 ADDED 4/04

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To the maximum extent allowable by federal law, each County Welfare Department shall provide transitional food stamp benefits to households terminating their participation in the CalWORKs program. (W&IC §18901.6)

215-4A ADDED 4/04

When a food stamp household loses CalWORKs cash assistance the household may then receive transitional food stamp (TFS) benefits for five months. The county must determine entitlement to TFS without requiring the household to apply.

Benefits are the same as the household received prior to termination of CalWORKs, adjusted for the loss of the CalWORKs grant. However, if the household is losing CalWORKs due to a sanction or was otherwise disqualified from the food stamp program, the household is ineligible for TFS. (All-County Letter 03-66, December 30, 2003)

216-1

Any FS household receiving a notice of expiration of the certification period shall attend any interview scheduled by the county on or after the date the recertification application is timely filed in order to retain its right to uninterrupted benefits. The county may schedule the interview prior to the date the application is timely filed provided the household is not denied for failing to appear for that interview. The county shall schedule the interview on or after the date the application was timely filed if the interview has not been previously scheduled or the household has failed to appear for any interviews scheduled prior to this time and has requested another interview. If the household does not appear for any interview scheduled in accordance with this section, or does not attempt to reschedule another appointment, the county need not initiate any further action. (§63-504.61(d), as renumbered and revised effective June 1, 2001)

216-2

The county shall establish a definite period of time within which a household shall be certified to receive benefits. At the expiration of such certification period, entitlement to FS benefits shall end. Benefits are only to be continued if there is a new determination of eligibility. (§63-504.1)

216-3

For Public Assistance (PA) households, the current certification period shall expire no later than the end of the month following the month in which the PA redetermination is scheduled. (§63-504.121)

216-4A

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The county shall not shorten a household's certification period. The county must end a certification if it determines that the household is ineligible. (§63-504.151, effective June 1, 2001)

216-5

Generally, the county shall provide each household whose certification is due to expire with a notice of expiration to be received during the next to last month of certification. (§63-504.251)

217-1

Federal regulations require that when there are 5% of low income households in a project area who constitute a single language minority, then the state agency shall provide FS bilingual program information and certification materials and staff or interpreters. (7 Code of Federal Regulations (CFR) §272.4(b)(1) and (2))

"Certification materials" shall include the FS application form, change report (monthly report) form and notices to household. (7 CFR §272.4(b)(3)(ii)(A))

"Single language minority" refers to households which speak the same non-English language and which do not contain adult(s) fluent in English as a second language. (7 CFR §272.4(b))

217-2

County Welfare Departments (formerly agencies) may not provide aid, benefits or services to an individual or group which is different than that provided to others, on the basis of race, color, national origin, religion, political affiliation, marital status, sex, age or disability (formerly handicap). (§21-109.1, revised effective June 5, 1996)

If a complaint of discrimination arises during a state hearing, the Administrative Law Judge shall remand the complaint to the CDSS Civil Rights Bureau to be handled in accordance with Division 21 regulations. (§21-203.11)

217-3

Forms or other written material required for the provision of aid or services shall be available and offered to the applicant/recipient in the individual's primary language when such forms and other written material are provided by the CDSS. When such forms and other written material contain spaces in which the agency is to insert information, this inserted information shall be in the individual's primary language. (§21-115.2)

In order to ensure that every non-English/limited English speaking client receives

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equal access to all programs and services, county welfare departments are reminded that they must comply with §21-115.2 (All-County Letter (ACL) No. 00-03, January 5, 2000)

A list of forms which have been translated into languages other than English is sent to counties by CDSS on a regular basis. Counties are required to stock all forms that have been translated by CDSS even if there have been no requests. (ACL No. 92-90, October 15, 1992)

217-4

On January 19, 1976, the CDSS (formerly the State Department of Benefit Payments) agreed to translate necessary forms and written materials into the applicants'/recipients' primary language when those applicants/recipients constituted a substantial number (i.e., five percent or more of the applicant/recipient population) within the particular county or at the particular location (i.e., county office). (*Asociacion Mixta Progresista v. U.S. Department of Health, Education and Welfare, Settlement and Stipulation to Dismissal*, U.S.D.C. (N.D. Cal))

217-5

In cases involving allegations of discrimination, the case shall be remanded to the county for preparation of a report in accord with §21-203. (§22-062.5)

217-10

For all households applying or being recertified for FS benefits, the following applies:

.231 The collection of information, including the Social Security Number (SSN) of each household member, is authorized under the FS Act of 1997. This information will be used to determine eligibility for participation in the FS program. The information will be verified through a computer matching program and will also be used to monitor compliance with program regulations and for program management.

.232 The information may be disclosed to other federal and state agencies for official examination, and to law enforcement officials who are seeking to apprehend persons fleeing to avoid the law.

.233 If a claim is made against a household, the information on the application, including all SSNs, may be referred to federal and state agencies, and to private claims collection agencies for claims collection action.

.234 Providing the requested information, including SSNs of each household member, is voluntary. However, failure to provide this information will result in denial of FS benefits to each individual failing to provide an SSN.

(§63-300.23, effective August 10, 2001)

218-1

Persons administering aid under any public assistance program shall conduct themselves with courtesy, consideration and respect toward applicants for and recipients of aid under that program, and shall endeavor at all times to perform the duties in such a manner as to secure for every person the amount of aid to which he/she is entitled, without attempting to elicit any information not necessary to carry out the provisions of law applicable to the program, and without comment or criticism of any fact concerning applicants or recipients not directly related to the administration of the program. (W&IC §10500)

219-1

The Notice of Action approving benefits shall advise the household of the amount of the allotment, the beginning and ending dates of the certification period and any anticipated variations in the benefit level based on changes anticipated at the time of certification. (§63-504.221)

219-2

The Notice of Action which informs the household of the expiration or shortening of the certification period shall advise the household of the following:

- (a) The date the certification period ends.
- (b) The date the household must file an application for recertification to receive uninterrupted benefits.
- (c) That the household must appear for an interview scheduled on or after the application is timely filed in order to receive uninterrupted benefits.
- (d) That the household is responsible for rescheduling any missed interview.
- (e) That the household must complete the interview and provide all required verification to receive uninterrupted benefits.
- (f) The number of days the household has for submitting missing verification if the household is informed at the interview of any further verification needed to receive uninterrupted benefits.

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- (g) The household's right to request and submit an application as long as it is signed and dated.
- (h) The address of the office where the application must be filed.
- (i) The consequences of failure to comply with the notice of expiration.
- (j) The household's right to file the application by mail or through an authorized representative.
- (k) The household's right to request a state hearing.

(§63-504.253)

219-3

The Notice of Action sent when the household fails to file a CA 7 by the 11th of the report month or files an incomplete CA 7 shall include:

- (a) That the CA 7 is overdue or incomplete.
- (b) What the household must do to complete the CA 7.
- (c) What verification is missing and the effect on the household's benefit level.
- (d) That the SSN of a new member must be reported.
- (e) The extended filing date.
- (f) That the county will assist the household in completing the report.

(§63-504.271)

219-4

Counties shall initiate collection action by providing the FS household or the sponsor of an alien household an initial notice of action to begin collection action and requesting repayment. The due date or time frame for repayment must be no later than 30 days after the date of the initial notice of action, and shall provide the following information:

- (a) The amount owed, the type (IPV, IHE, or AE) and reason for the claim, the period of time the claim covers, how the claim was calculated, any offsetting that was done to reduce the claim, how the household or its sponsor may pay the claim, the household's or the sponsor's right to a state hearing if the household or

the sponsor disagrees with the amount of the claim, and that the household has 90 days to request a state hearing.

(b) If the household already has had a state hearing on the amount of the claim as a result of consolidation of the administrative disqualification hearing with the state hearing, the household shall be advised that it has no right to another state hearing on the amount of the claim.

(c) If there is an individual or organization that will provide free legal representation, the household shall be advised of the availability of these services.

(d) The household, or the sponsor shall be informed of the length of time the household has to decide which method of repayment it will choose and inform the county of its decision, and of the fact that the household's allotment will be reduced if the household fails to agree to make restitution.

(e) (Reserved)

(f) Claim collection will be from all adults who were in the household when the overissuance occurred.

(g) The household has the opportunity to inspect and copy any records related to the claim.

(h) If the claim is not paid, it may be sent to other collection agencies that may use various methods to collect the claim.

(i) If not paid, the claim will be referred to the federal government for collection. However, the household may make a written agreement to pay the claim amount prior to referral for Federal action.

(j) If the claim is not received by the due date and becomes delinquent, the household may be subject to additional processing charges and will be subject to involuntary collection action(s).

(k) A due date or time frame to repay or make arrangements to repay the claim, unless the CWD will impose an allotment reduction. (If allotment reduction is to be imposed, the percentage to be used and effective date must be stated.)

(l) Any household or sponsor against which the county has initiated collection action shall be informed of the right to request renegotiation of any repayment schedule to which the household or the sponsor has agreed if economic circumstances change.

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(1) A change in economic circumstances includes, but is not limited to, changes in income, resources, or expenses. A change in household allotment shall not constitute a change in economic circumstances.

(§63-801.431, as revised effective August 10, 2001)

219-4A

Prior to August 10, 2001, the following notice requirements existed:

The county shall initiate collection action by providing the household or the sponsor of an alien household with a Notice of Action requesting repayment which includes the following information:

(a) The amount owed, the reason for the claim, the period of time the claim covers, any offsetting that was done to reduce the claim, how the household or its sponsor may pay the claim, and the household's or sponsor's right to a state hearing.

(b) If the household already has had a state hearing on the amount of the claim as a result of consolidation of the ADH and state hearing, that the household has no right to another state hearing on the amount of the claim.

(c) If free legal representation is available, the fact that it is available. Under federal regulations, the notice must also advise the household of any individual or organization which provides this free representation.

(d) For inadvertent household error and IPV claims, the length of time the household or sponsor has to decide which method of repayment it will choose and inform the county of its decision, and the fact that the household's allotment will be reduced if there is a failure to agree to make restitution.

(e) For administrative error claims, the availability of allotment reduction as a method of repayment if the household prefers this method.

(f) The right to request renegotiation of any repayment schedule should economic circumstances change.

(§63-801.431, revised effective August 10, 2001; 7 Code of Federal Regulations §273.18(d)(3)(ii))

219-5

When the county has determined that a work registrant has voluntarily quit a job without good cause, it shall notify the household of the proposed disqualification

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within 10 days of that determination. In addition to the requirements of §63-504.21, the notice shall:

1. Explain the reason for the proposed disqualification.
2. Specify that the sanction period shall begin the first of the month following the month the registrant is provided timely notice and shall continue for the period mandated by §63-407.53.
3. Explain the actions which may be taken to end the disqualification and the conditions under which the registrant may reapply.
4. Inform the registrant of the right to request a state hearing; that continued participation shall be in accord with §63-804.6; and inform the registrant that if benefits are continued pending the hearing, and the county determination is upheld, the disqualification period begins the first of the month after the hearing decision is rendered.

(§63-408.21)

219-6

When the county determines that an individual has failed to meet the ABAWD work requirement for three months during the 36-month period specified in §63-410.1, the county shall issue a timely notice of action (NOA) in the third month to discontinue that individual's FS benefits. In addition to the requirements of §63-504.21, the NOA shall:

- (1) Identify the reason the individual's FS are being discontinued.
- (2) List those months the ABAWD work requirement was not satisfied.
- (3) Explain that the individual may present evidence to show that he/she met the work requirement in any of those months in (2) above.
- (4) Explain how the individual may regain eligibility in accord with §63-410.5.

(§63-410.4)

219-7

Effective January 1, 1990, all CalWORKs (formerly AFDC) notices of action concerning overpayments, or FS notices of action concerning overissuances, must include substantially the following language:

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WARNING: If you think this overpayment is wrong, this is your last chance to ask for a hearing. The back of this page tells how. If you stay on aid, the county can collect an AFDC overpayment by lowering your monthly grant. It can lower your food stamps to collect an overissuance unless it was the county's fault. If you go off aid before the overpayment or overissuance is paid back, the county may take what you owe out of your state income tax refund. (Anderson v. McMahon, Alameda County Superior Court, Case No. 620039-4; All-County Letter No. 90-14, February 9, 1990)

219-8

In order to comply with the Saldivar v. McMahon court order, counties must ensure that any CA 7 which is complete, as defined by §63-504.32, be processed. This includes the processing of a reported and verified income change. In all cases where the CA 7 is complete for FS, the county shall take the appropriate action on all reported and verified income changes or other eligibility factors.

If the CA 7 is complete, but missing information/verification of a deduction(s), the county shall use either Option 1 or 2.

Option 1: The county must act upon a complete CA 7 which reports changes in income or other eligibility factors, but will not disallow any unverified deduction(s).

If income or other eligibility factors are involved, send a timely Notice of Action (NOA) informing the household that the allotment has changed, based on reported and verified information. The allotment amount should be computed using previously verified deduction amount(s). Also check the "Proposed Change in Benefits" box as a reminder to the household that verification/information of a claimed deduction is missing.

- If verification/information is received too late to effect any resultant decreases, the county shall issue the amount shown on the timely notice without disallowing the unverified deduction.

If no change in income has occurred, send a timely NOA, checking only the "Proposed Change in Benefits" box as a reminder to the household that verification/information of deduction(s) is missing.

- If verification/information is received too late to effect any resultant decreases, issue previous month's allotment.

Option 2: The county must act upon a complete CA 7 which reports changes in income or other eligibility factors, and will disallow any unverified deduction(s).

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If income or other eligibility factors are involved, send a timely NOA (may be a combination NOA and reminder notice) informing the household that the allotment has changed because of increased income and also reflects the disallowance of the unverified deduction(s).

- If verification/information is received before the extended filing date, issue a supplement to reflect correct deduction amount(s) if the county cannot include the supplement in the household's normal issuance.

If no change in income has occurred, send a timely NOA informing the household of the effect of the disallowance of the unverified deduction(s) on the allotment amount.

- If verification/information is received before the extended filing date, issue a supplement to reflect the correct deduction amount(s) if the county cannot include the supplement in the household's normal issuance.

Each county using Option 2 must ensure that the NOA is timely, and the explanation is adequate. This means that the notice must inform the household in easily understood language, of the reason for the proposed change; how to remedy the negative action, if appropriate, and the effect the remedy will have on the allotment level; what the extended filing date is; and that the county will do to assist the recipient, if necessary.

(All-County Letter No. 84-74, July 11, 1984)

219-9

States must include the following information in the initial FS overissuance demand letter or notice of adverse action:

- (A) The amount of the claim.
- (B) The intent to collect from all adults in the household when the overpayment occurred.
- (C) The type (IPV, IHE, AE or similar language) and reason for the claim.
- (D) The time period associated with the claim.
- (E) How the claim was calculated.
- (F) The phone number to call for more information about the claim.
- (G) That, if the claim is not paid, it will be sent to other collection agencies, who will use various collection methods to collect the claim.

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- (H) The opportunity to inspect and copy records related to the claim.
 - (I) Unless the amount of the claim was established at a hearing, the opportunity for a fair hearing on the decision related to the claim. The household will have 90 days to request a fair hearing.
 - (J) That, if not paid, the claim will be referred to the Federal government for federal collection action.
 - (K) That the household can make a written agreement to repay the amount of the claim prior to it being referred for Federal collection action.
 - (L) That, if the claim becomes delinquent, the household may be subject to additional processing charges.
 - (M) That the State agency may reduce any part of the claim if the agency believes that the household is not able to repay the claim.
 - (N) A due date or time frame to either repay or make arrangements to repay the claim, unless the State agency is to impose allotment reduction.
 - (O) If allotment reduction is to be imposed, the percentage to be used and the effective date.
- (7 Code of Federal Regulations (CFR) §273.18(e)(3)(iv), as revised effective August 1, 2000)